IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

OP.No. 13514 of 2002(H)

PETITIONER:

JESSY XAVIER,AGED 42 YEARS,
W/O.XAVIER,7/175,KALARIKAL HOUSE,CHAKKAMADAM,
KOCHI-2.

BY ADV. SHRI.MATHEW ABRAHAM

RESPONDENTS:
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1. ASSISTANT EXECUTIVE ENGINEER,OFFICE
OF THE ASSISTANT EXECUTIVE ENGINEER,ELECTRICAL
MAJOR SECTION,MATTANCHERY,KOCHI-2.

2. THE EXECUTIVE ENGINEER,ELECTRICAL MAJOR
SECTION,MATTANCHERY,KOCHI-2.

BY ADV. SRI.KODOTH SREEDHARAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 13514/2002

ORDER ON CMP 22658/2002 IN O.P.No. 13514/2002

DISMISSED.

23/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP 31860/2002 IN O.P.No. 13514/2002

DISMISSED.

23/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP 40047/2002 IN O.P.No. 13514/2002

DISMISSED.

23/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER DATED 17/8/1999 BEFORE THE CONSUMER DISPUTES REDRESSAL FORUM, ERNAKULAM IN O.P.No. 843/99.

P2 : COPY OF THE ORDER IN O.P.No. 356/2000 DATED 5TH JUNE 2000 BEFORE THE CONSUMER DISPUTE REDRESSAL FORUM, ERNAKULAM.

P3 : COPY OF THE STATEMENT OF ACCOUNT ISSUED BY THE RESPONDENT.

P4 : COPY OF THE LAWYER NOTICE DATED 28/1/2002 SENT TO THE 2ND RESPONDENT.

P5 : COPY OF THE RECEIPT DATED 24/4/2002.

P6(a): COPY OF THE BILL DATED 05/10/2000 NO. R3 463121.

P6(b): COPY OF THE BILL DATED 05/10/2000 NO. R3 455653

P7 : COPY OF LETTER DATED 28/5/2002 SUBMITTED BEFORE THE 1ST RESPONDENT.

P8 : COPY OF RECEIPT DATED 30/5/2002.

P9 : COPY OF BILL DATED 4/6/2002.

P10 : COPIES OF BILLS FROM 1996 TO 2002.

P11 : COPY OF BILL DATED 4/8/2002.

P12 : COPY OF MATHRUBHUMI REGARDING DUES TO 1ST RESPONDENT DATED 07/08/02. // TRUE COPY //

jg PA TO JUDGE .

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 13514 of 2002 H

Dated, this the 23rd day of March, 2007

J U D G M E N T

Even though petitioner was granted interim order on 23/05/02 to retain the connection, petitioner did not comply with the same and the power supply was disconnected. Petitioner does not appear to be interested in restoring the supply. The dispute pertains to commercial connection, which was later used by five persons for domestic purpose. Under orders of the Consumer Forum; connections were converted into domestic connections. Obviously, dispute pertains to the period of electricity bills raised subsequently under domestic tariff. Petitioner has not established any ground on which this Court can interfere with the arrear bill and therefore OP is closed. However, if the petitioner wants to contest any electricity bill raised including arrear bill, petitioner is granted an opportunity to file an appeal along with a copy of this judgment within two months from now before the Executive Engineer and if any such appeal is filed, the Executive Engineer will consider and dispose of it after hearing the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg